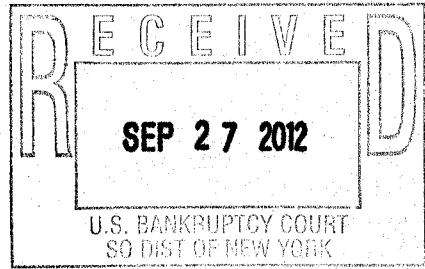


UNITED STATES BANKRUPTCY COURT
Southern District of New York



Re: GMAC Mortgage, LLC
Residential Capital, LLC

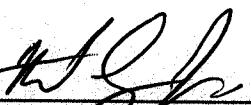
Case No: 12-12032 (MG)
Case No: 12-12020 (MG)
Chapter 11
Hearing Date: October 24, 2012
Time: 10:00 am
Judge: Honorable Martin Glenn

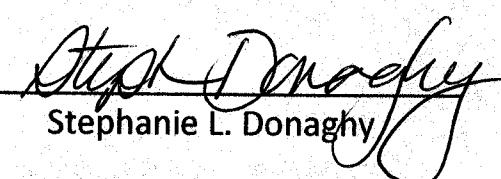
**NOTICE OF MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

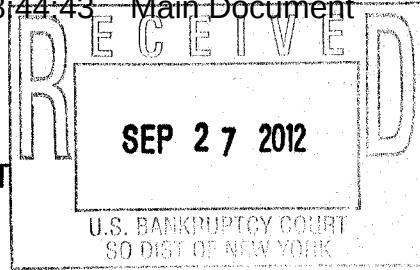
PLEASE TAKE NOTICE that on October 24, 2012 at 10:00 am, or as soon thereafter as Movants may be heard, the undersigned will move before the United States Bankruptcy Court for the Southern District of New York, for an Order vacating the automatic stay to allow New Jersey Bankruptcy Courts to hear and determine any and all sanctions necessary to enforce their rights.

PLEASE TAKE FURTHER NOTICE that if you wish to contest this motion you must file a written response with the Clerk of the Bankruptcy Court and serve a copy of the responding papers upon the undersigned at least seven (7) days prior to the hearing date.

Dated: 9/25/12

Signed: 
Michael P. Donaghy


Stephanie L. Donaghy



UNITED STATES BANKRUPTCY COURT
Southern District of New York

Re: GMAC Mortgage, LLC
Residential Capital, LLC

Case No: 12-12032 (MG)
Case No: 12-12020 (MG)
Chapter 11
Hearing Date: October 24, 2012
Time: 10:00 am
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**CERTIFICATION OF PLAINTIFF IN SUPPORT OF MOTION
FOR RELIEF FROM AUTOMATIC STAY**

The undersigned, acting pro se, do hereby certify as follows:

1. Movants are the owners of real property known as and located at 300 Central Avenue, Runnemede, NJ 08078.
2. Secured Debtor/Creditor is GMAC Mortgage, LLC.
3. Movants filed an instant Chapter 13 bankruptcy case on January 13, 2010 that was later confirmed and entered on April 29, 2010.
4. Movants filed Motion for Sanctions against GMAC Mortgage, LLC. and Milstead & Associates (representatives of GMAC) on March 13, 2012 for violations of the automatic stay and bad faith conduct.
5. Motion for Sanctions was initially heard by Judge Judith Wizmur in the United States Bankruptcy Court, District of New Jersey, Camden Vicinage, on April 10, 2012.
6. After requesting an updated pay history on movants account from GMAC Mortgage, Judge Wizmur asked that all parties return to her court on May 14, 2012, at which time Stephanie Donaghy (Movant) would take the stand and the sanctions portion of the motion would be decided upon.
6. Updated pay history was to be submitted to the courts by GMAC's counsel no later than May 10, 2012.
7. GMAC's failure to submit pay history by May 10, 2012 caused Judge Wizmur to postpone the May 14, 2012 hearing until May 15, 2012.

8. Upon entering the courtroom on May 15, 2012, Movants were informed that GMAC Mortgage, LLC. had filed for Chapter 11 Bankruptcy Protection, therefore preventing the courts from hearing and deciding upon the sanctions portion of Movants motion, with regards to GMAC. (Sanctions against Milstead & Associates, attorneys representing GMAC, were granted in the amount of \$2,000)
9. A control date for the continuation of hearing was slated for July 10, 2012. Apparent miscommunication had occurred... Movants arrived in court, counsel for GMAC did not. At that time, a telephonic conference was scheduled for July 2012.
10. Phone conference took place on July 25, 2012 with Judge Wizmur, Joseph Riga, and the Movants, at which time all parties agreed that Movants were indeed current on their mortgage through August 2012 and that \$2,208.11 in accrued fees were removed from GMAC's accounting. Proof of claim was also being resubmitted upon approval of all parties.
11. An Order setting forth above relief was signed and dated by Judge Wizmur on August 20, 2012.
12. Appropriate codes were lifted by GMAC allowing for the commencement of monthly mortgage statements once again.
13. Movants mortgage statement arrived on September 21, 2012 showing that payment was due for July 1, 2012 along with an unpaid fees balance, recorded as "Other", in excess of \$2,370. Total unpaid amount in excess of \$8,469.
13. With the upcoming public auctions and Sale Hearing that will be held on November 19, 2012, Movants are fearful that if their accounting is not corrected, as per the Order (dated 8/20/2012), their new mortgage company will attempt to collect a debt that does not exist (Other fees and past payments that are not due).
14. Movants request relief from the automatic stay for cause to allow New Jersey Bankruptcy Courts to hear and determine any and all sanctions necessary to enforce their rights as determined by State and/or other applicable law with regard to GMAC's continual bad faith conduct.

15. Movants are entitled to relief from the automatic stay due to GMAC's failure to comply with the court Order dated August 20, 2012.
16. We hereby certify that the foregoing statements made are true. We are aware that if any of the foregoing statements made are willfully false, we are subject to punishment.

Dated:

9/25/12

Signed:

mfd

Michael P. Donaghy

Stephanie L. Donaghy
Stephanie L. Donaghy

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Re: GMAC Mortgage, LLC
Residential Capital, LLC

Case No: 12-12032 (MG)
Case No: 12-12020 (MG)
Chapter 11
Hearing Date: October 24, 2012
Time: 10:00 am
Judge: Honorable Martin Glenn

CERTIFICATION OF SERVICE

Movants, Michael P. Donaghy, Jr. and Stephanie L. Donaghy, hereby certify that a copy of the Motion for Relief of the Automatic Stay, Notice of Motion, Response Deadline, Hearing Date and Time were served upon the following persons by first-class, United States mail on September 28, 2012, addressed as follows:

| | |
|---|--|
| Isabel C. Balboa, Trustee Cherry Tree Corporate Center 535 Route 38, Suite 580 Cherry Hill, NJ 08002 | Joseph J. Rogers, Esquire 900 Route 168, Suite I-4 Turnersville, NJ 08012 |
| Larren M. Nashelsky Gary S. Lee Lorenzo Marinuzzi MORRISON & FOERSTER LLP 1290 Avenue of the Americas New York, NY 10104 | Tracy Hope Davis Office of the United State Trustee 33 Whitehall St 21st Fl, Region 2 New York, NY 10004-2111 |
| GMAC Mortgage, LLC Attn: Mail Code 507-345-110 3451 Hammond Avenue Waterloo, Iowa 50702 | Bankruptcy Court Clerk One Bowling Green New York, NJ 10004 |
| NJ Bankruptcy Court – Camden Division Bankruptcy Court Clerk 401 Market Street Camden, NJ 08101 | |

Dated: 9/25/12

Signed: M.P.D.
Michael P. Donaghy

Stephanie L. Donaghy
Stephanie L. Donaghy